

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6572**

Chapter 248, Laws of 2008

60th Legislature  
2008 Regular Session

MICROBREWERIES--OFF-PREMISES WAREHOUSES

EFFECTIVE DATE: 06/12/08 - Except section 2, which becomes  
effective 06/30/08

Passed by the Senate February 15, 2008  
YEAS 44 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House March 5, 2008  
YEAS 96 NAYS 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Approved March 28, 2008, 11:25 a.m.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6572** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
**Secretary**

FILED

March 28, 2008

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6572**

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Passed Legislature - 2008 Regular Session

**State of Washington                      60th Legislature                      2008 Regular Session**

**By** Senate Labor, Commerce, Research & Development (originally sponsored by Senators Spanel, Jacobsen, Kohl-Welles, and McDermott)

READ FIRST TIME 02/07/08.

1            AN ACT Relating to off-premises microbrewery warehouses; reenacting  
2 and amending RCW 66.24.244 and 66.24.244; providing an effective date;  
3 and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 66.24.244 and 2007 c 370 s 4 and 2007 c 222 s 1 are  
6 each reenacted and amended to read as follows:

7            (1) There shall be a license for microbreweries; fee to be one  
8 hundred dollars for production of less than sixty thousand barrels of  
9 malt liquor, including strong beer, per year.

10           (2) Any microbrewery licensed under this section may also act as a  
11 distributor and/or retailer for beer and strong beer of its own  
12 production. Any microbrewery licensed under this section may act as a  
13 distributor for beer of its own production. Strong beer may not be  
14 sold at a farmers market or under any endorsement which may authorize  
15 microbreweries to sell beer at farmers markets. Any microbrewery  
16 operating as a distributor and/or retailer under this subsection shall  
17 comply with the applicable laws and rules relating to distributors  
18 and/or retailers, except that a microbrewery operating as a distributor  
19 may maintain a warehouse off the premises of the microbrewery for the

1 distribution of beer provided that (a) the warehouse has been approved  
2 by the board under RCW 66.24.010 and (b) the number of warehouses off  
3 the premises of the microbrewery does not exceed one. A microbrewery  
4 holding a spirits, beer, and wine restaurant license may sell beer of  
5 its own production for off-premises consumption from its restaurant  
6 premises in kegs or in a sanitary container brought to the premises by  
7 the purchaser or furnished by the licensee and filled at the tap by the  
8 licensee at the time of sale.

9 (3) The board may issue a license allowing a microbrewery to  
10 operate a spirits, beer, and wine restaurant under RCW 66.24.420.

11 (4) The board may issue a license to a microbrewery allowing for  
12 on-premises consumption of beer, including strong beer, wine, or both  
13 of other manufacture if purchased from a Washington state-licensed  
14 distributor. The microbrewer must determine, at the time the license  
15 is issued, whether the licensed premises will be operated as a tavern  
16 with persons under twenty-one years of age not allowed as provided for  
17 in RCW 66.24.330, or as a beer and/or wine restaurant as described in  
18 RCW 66.24.320.

19 (5) A microbrewery that holds a spirits, beer, and wine restaurant  
20 license or a beer and/or wine restaurant license shall hold the same  
21 privileges and endorsements as permitted under RCW 66.24.320 and  
22 66.24.420.

23 (6) If the microbrewery licensee holds a separate license for a  
24 spirits, beer, and wine restaurant or a beer and/or wine restaurant,  
25 operated on the brewery premises, the licensee may hold a second retail  
26 license for a spirits, beer, and wine restaurant or a beer and/or wine  
27 restaurant, at a location separate from the licensed brewery premises.

28 (7)(a) A microbrewery licensed under this section may apply to the  
29 board for an endorsement to sell bottled beer of its own production at  
30 retail for off-premises consumption at a qualifying farmers market.  
31 The annual fee for this endorsement is seventy-five dollars.

32 (b) For each month during which a microbrewery will sell beer at a  
33 qualifying farmers market, the microbrewery must provide the board or  
34 its designee a list of the dates, times, and locations at which bottled  
35 beer may be offered for sale. This list must be received by the board  
36 before the microbrewery may offer beer for sale at a qualifying farmers  
37 market.

1 (c) The beer sold at qualifying farmers markets must be produced in  
2 Washington.

3 (d) Each approved location in a qualifying farmers market is deemed  
4 to be part of the microbrewery license for the purpose of this title.  
5 The approved locations under an endorsement granted under this  
6 subsection (7) do not constitute the tasting or sampling privilege of  
7 a microbrewery. The microbrewery may not store beer at a farmers  
8 market beyond the hours that the microbrewery offers bottled beer for  
9 sale. The microbrewery may not act as a distributor from a farmers  
10 market location.

11 (e) Before a microbrewery may sell bottled beer at a qualifying  
12 farmers market, the farmers market must apply to the board for  
13 authorization for any microbrewery with an endorsement approved under  
14 this subsection (7) to sell bottled beer at retail at the farmers  
15 market. This application shall include, at a minimum: (i) A map of  
16 the farmers market showing all booths, stalls, or other designated  
17 locations at which an approved microbrewery may sell bottled beer; and  
18 (ii) the name and contact information for the on-site market managers  
19 who may be contacted by the board or its designee to verify the  
20 locations at which bottled beer may be sold. Before authorizing a  
21 qualifying farmers market to allow an approved microbrewery to sell  
22 bottled beer at retail at its farmers market location, the board shall  
23 notify the persons or entities of the application for authorization  
24 pursuant to RCW 66.24.010 (8) and (9). An authorization granted under  
25 this subsection (7)(e) may be withdrawn by the board for any violation  
26 of this title or any rules adopted under this title.

27 (f) The board may adopt rules establishing the application and  
28 approval process under this section and any additional rules necessary  
29 to implement this section.

30 (g) For the purposes of this subsection (7):

31 (i) "Qualifying farmers market" means an entity that sponsors a  
32 regular assembly of vendors at a defined location for the purpose of  
33 promoting the sale of agricultural products grown or produced in this  
34 state directly to the consumer under conditions that meet the following  
35 minimum requirements:

36 (A) There are at least five participating vendors who are farmers  
37 selling their own agricultural products;

1 (B) The total combined gross annual sales of vendors who are  
2 farmers exceeds the total combined gross annual sales of vendors who  
3 are processors or resellers;

4 (C) The total combined gross annual sales of vendors who are  
5 farmers, processors, or resellers exceeds the total combined gross  
6 annual sales of vendors who are not farmers, processors, or resellers;

7 (D) The sale of imported items and secondhand items by any vendor  
8 is prohibited; and

9 (E) No vendor is a franchisee.

10 (ii) "Farmer" means a natural person who sells, with or without  
11 processing, agricultural products that he or she raises on land he or  
12 she owns or leases in this state or in another state's county that  
13 borders this state.

14 (iii) "Processor" means a natural person who sells processed food  
15 that he or she has personally prepared on land he or she owns or leases  
16 in this state or in another state's county that borders this state.

17 (iv) "Reseller" means a natural person who buys agricultural  
18 products from a farmer and resells the products directly to the  
19 consumer.

20 **Sec. 2.** RCW 66.24.244 and 2007 c 370 s 5 and 2007 c 222 s 2 are  
21 each reenacted and amended to read as follows:

22 (1) There shall be a license for microbreweries; fee to be one  
23 hundred dollars for production of less than sixty thousand barrels of  
24 malt liquor, including strong beer, per year.

25 (2) Any microbrewery licensed under this section may also act as a  
26 distributor and/or retailer for beer and strong beer of its own  
27 production. Strong beer may not be sold at a farmers market or under  
28 any endorsement which may authorize microbreweries to sell beer at  
29 farmers markets. Any microbrewery operating as a distributor and/or  
30 retailer under this subsection shall comply with the applicable laws  
31 and rules relating to distributors and/or retailers, except that a  
32 microbrewery operating as a distributor may maintain a warehouse off  
33 the premises of the microbrewery for the distribution of beer provided  
34 that (a) the warehouse has been approved by the board under RCW  
35 66.24.010 and (b) the number of warehouses off the premises of the  
36 microbrewery does not exceed one. A microbrewery holding a spirits,  
37 beer, and wine restaurant license may sell beer of its own production

1 for off-premises consumption from its restaurant premises in kegs or in  
2 a sanitary container brought to the premises by the purchaser or  
3 furnished by the licensee and filled at the tap by the licensee at the  
4 time of sale.

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6 operate a spirits, beer, and wine restaurant under RCW 66.24.420.

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8 on-premises consumption of beer, including strong beer, wine, or both  
9 of other manufacture if purchased from a Washington state-licensed  
10 distributor. The microbrewer must determine, at the time the license  
11 is issued, whether the licensed premises will be operated as a tavern  
12 with persons under twenty-one years of age not allowed as provided for  
13 in RCW 66.24.330, or as a beer and/or wine restaurant as described in  
14 RCW 66.24.320.

15 (5) A microbrewery that holds a spirits, beer, and wine restaurant  
16 license or a beer and/or wine restaurant license shall hold the same  
17 privileges and endorsements as permitted under RCW 66.24.320 and  
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19 (6) If the microbrewery licensee holds a separate license for a  
20 spirits, beer, and wine restaurant or a beer and/or wine restaurant,  
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36 (d) Each approved location in a qualifying farmers market is deemed  
37 to be part of the microbrewery license for the purpose of this title.  
38 The approved locations under an endorsement granted under this

1 subsection (7) do not constitute the tasting or sampling privilege of  
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3 market beyond the hours that the microbrewery offers bottled beer for  
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6 (e) Before a microbrewery may sell bottled beer at a qualifying  
7 farmers market, the farmers market must apply to the board for  
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13 (ii) the name and contact information for the on-site market managers  
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18 notify the persons or entities of the application for authorization  
19 pursuant to RCW 66.24.010 (8) and (9). An authorization granted under  
20 this subsection (7)(e) may be withdrawn by the board for any violation  
21 of this title or any rules adopted under this title.

22 (f) The board may adopt rules establishing the application and  
23 approval process under this section and any additional rules necessary  
24 to implement this section.

25 (g) For the purposes of this subsection (7):

26 (i) "Qualifying farmers market" means an entity that sponsors a  
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28 promoting the sale of agricultural products grown or produced in this  
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8 (iii) "Processor" means a natural person who sells processed food  
9 that he or she has personally prepared on land he or she owns or leases  
10 in this state or in another state's county that borders this state.

11 (iv) "Reseller" means a natural person who buys agricultural  
12 products from a farmer and resells the products directly to the  
13 consumer.

14 NEW SECTION. **Sec. 3.** Section 1 of this act expires June 30, 2008.

15 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect June 30,  
16 2008.

Passed by the Senate February 15, 2008.  
Passed by the House March 5, 2008.  
Approved by the Governor March 28, 2008.  
Filed in Office of Secretary of State March 28, 2008.